IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 28 OF 2007

NARAYAN JAIDEV KASHALKAR, PERNEM, GOA. ... Petitioner

Versus

GOA STEELS LTD., REP. BY MANAGING DIRECTOR, SHRI KUNDAN KUMAR ANAND SHETYE ... Respondent

Mr. J. J. Mulgaonkar, Advocate for the Applicant.
Mr. Ryan Menezes, Advocate for the Respondent.

Coram:- N. A. BRITTO, J.

Date:- 9th August, 2007

P.C.:-

The Applicant/Accused has chosen to remain absent inspite of the notice given to him by his Counsel.

The learned Counsel on behalf of the Applicant/Accused has filed an application seeking leave to withdraw. The said application be placed on record. The learned Counsel is allowed to withdraw. Heard Mr. Ryan Menezes, the learned Counsel on behalf of the Respondent/Complainant and perused the records. The Applicant/Accused had purchased steel from the Complainant of the value of Rs.2,00,000/- against invoice given and towards the payment had issued the subject cheque in the sum of Rs.2,00,000/- which when presented for payment was returned dishonoured. Statutory notice being sent, the Accused did not reply to the same. Both the Courts below have rightly considered the effect of presumptions which were available to the Complainant. As regards the presumption available to the Complainant in terms of Section 139 of the Negotiable Instruments Act, 1881 the same has been considered by the learned appellate Court in para 19 of the Judgment and regards service of notice in para 22 of the Judgment. Both the Courts below have given

findings concurrently that the Applicant/Accused has committed an offence under Section 138 of the Negotiable Instruments Act,1881. There is no merit in this revision and the same is hereby dismissed. Bail, if any, granted by this Court shall stand cancelled.

Authenticated copy of the order be given to the learned Counsel for the Respondent.

N. A. BRITTO, J.

RD.